S.B. CIVIL WRIT PETITION NO.2654/2007
(Ramavatar Sharma Vs. The Labour Court, Bikaner & Anr.)

Date of Order :: 19th July 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr.S.N.Trivedi, for the petitioner.

In an industrial dispute referred by the State Government on 27.06.1989 on the question relating to termination of services of the petitioner-workman on 02.09.1987 by his employer, the Labour Court in its award dated 10.06.1996 (Annex.1) in case No.31/1989 declared such termination as invalid and held the petitioner entitled for reinstatement with the benefit of continuity of service; but in the circumstances of the case, considered it appropriate to award him a lump sum of Rs.4,000/- towards wages for the period between 02.09.1987 to 10.06.1996.

By way of this writ petition filed on 03.05.2007 the petitioner seeks to challenge the award on the question of back wages. It is submitted on behalf of the petitioner that learned Labour Court has committed irregularity and illegality in not granting full back wages to the petitioner for the intervening period i.e. from the date of termination to the date of judgment; that once termination of the petitioner was found to be invalid, the Tribunal ought to have allowed entire back wages as relationship of master and servant stood revived

from the date of termination; and that the petitioner never remained in gainful employment during the intervening period. The petitioner has prayed for modification of the impugned award to the extent of quantum of back wages and has sought directions against the respondent for payment of full back wages.

The petition remains fundamentally bereft of substance and does not merit admission.

The present petition, questioning the directions relating to back wages as contained in the award made as back as on 10.06.1996, has been filed about 11 years thereafter; and suffers from gross delay and laches without any whisper on the cause of such inordinate delay. There appears no reason to entertain such a belated petition. This apart, even on merits, there is no scope for interference.

The petitioner was allegedly getting wages at Rs.300/- per month and the Tribunal has found that he was about 22 years of age at the time of termination of his services and has deserved that he was definitely earning something towards his livelihood else there was no reason for him not to have stated so in his affidavit, though he made a statement on cross-examination by the employer that he was unemployed. In the totality of circumstances of the case, the Tribunal has considered it appropriate to allow him lump sum of Rs.4,000/-

towards back wages. It remains a fact that the petitioner has not worked with the employer concerned for the period in question and when in the totality of the circumstances, the Labour Court has considered it appropriate to award lump sum of Rs.4,000/- towards back wages, it cannot be said that the Labour Court has committed any error or illegality so as to warrant interference in writ jurisdiction of this Court.

The writ petition fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

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